

REMARKS

This communication is fully responsive to the Office Action mailed July 13, 2007. Claims 1-24 were and remain pending in this case. Of these, claims 1-9, 11-15, 18-22 and 24 are hereby amended, and no claims are added or cancelled. Reexamination and reconsideration are respectfully requested.

Drawings

Applicant acknowledges the objections to the drawings and responds as follows.

As far as the reference characters 8, 38, 39, 60 and 114; Applicant first notes that character 8 did indeed exist in the application specification as-filed; see paragraph 56, line 3 of the published specification. As for characters 38 and 39, these have been added to paragraph 84 of the attached amended specification; character 60 has been added to paragraph 105 and character 114 added in paragraph 109. As each of the elements pre-existed in the specification, no new matter is added.

As far as the legend, "Prior Art"; this has been added to the drawing Figs. 1a, 1b, 2a, and 2b of the attached amended drawings.

As far as the reference character 22 in Fig. 3a, this has been changed to 22a in the attached amended drawings.

As far as the claim 5 elements of frustoconical, triangular, pyramidal or similar tapered shape; these are all shown sufficiently by the drawings as originally filed or as readily understood by ordinary artisan reading the specification. Frustoconical is explicitly shown in FIGs. 3a, 4a and 5a, inter alia, and, triangular or pyramidal are shown in FIG. 7. No drawing change is therefore necessary.

Specification

Applicant acknowledges the objections regarding the specification and responds as follows.

The abstract has been amended as set forth in the attached substitute specification to delete 35 words from the original 177. Also deleted are various references to the “invention”; the word “said” and the word “comprising” or variants thereof, and similar simplifications. The abstract is thus in compliance.

As far as the remaining objections to the specification, the Applicant responds:

The phrases “in accordance with claim 1”; “as stated in claim 2”; “as stated in claim 3”; “as stated in claim 4”; “as stated in claim 5”; “as stated in claim 6”; “as stated in claim 7”; “as stated in claim 8”; “as stated in claim 11”; “any one of the claims 1 to 8”; “according to claim 9 or 10”; and “in accordance with claim 11” have all been deleted from the specification.

The referenced “holding device” has been changed to a “locking device”; however, as the reference numeral 20 has been added to the drawings, FIGs. 4a, 4b and 5a, the reference numeral 20 has not been deleted from the specification.

The referenced issue of “comprises” has not been changed because it does agree with the subject in number.

The referenced “lever 41” has not been changed as it is the same element as the “bolt 41” which is not improper so long as the element remains the same. Different words may completely appropriately be used for the same part.

The “lashing system 11” has been modified to reflect the “represented by lashing rod 11” to clarify the description.

The one instance of “jaw 49b” is here changed to “jaw 49,” and the errant “hook ending 58” is now changed to “hook ending 55,” as would readily be understood.

Claim Objections

Claims 1, 3-5, 7-9, 12-13, 15, 18, 20 and 22 stand objected to, and Applicant responds as follows.

Element 20 is specifically identified in the drawings; thus, no change is intended for the claims; however, in compliance with preferred U.S. practice all element numbers have hereby been deleted from the present claims.

In claim 8, the phrase “resilient structure” has been adopted. In claim 9, the word “to” has been added; in claim 12 “rod” is now “bar” and “anther” is now “another”; and in claim 13, “serrated” is now “corrugated.” The word “member” has been changed as suggested for claim 15, and the spelling issues for claims 18, 20 and 22 are now corrected.

Claim Rejections – 35 U.S.C. §112

Claims 1-24 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

In response, Applicant notes that claim 1 has been amended to address the “load” and “container” point by Markush; the “means for connecting” is now identified by “first” and “second”; the “dents” and “grooves” are now Markush; and the “resilient” part is now a “structure” as opposed to a “means.”

In claim 2, the “means” is eliminated, as is the “such as” language.

In claim 3, the “lower end” is now “a lower end.”

The Markush “dents” or “grooves” from claim 1 is repeated in claim 4.

In claim 5, the “and/or” is eliminated, and the “similar” phrase is changed here.

In claim 6, the changes from claims 1 and 4 are repeated, as is also true for claim 7.

The now “resilient structure” of claim 8 corresponds to that of claim 1, and thus has antecedent basis.

The antecedent issue of claim 9 has been fixed here. Moreover, as claim 9 is a method claim, there is no antecedent issue for structure used in a method claim. Still further, claim 9 now has a resilient “structure” rather than a “means.”

Claim 11 now refers to “locking elements” and has eliminated “shipping containers.” Claim 11 is now specifically a method claim using the device of claim 1; as such being a statutory claim form.

Claim 24 is similar to claim 11 and now has better established antecedent and statutory form.

Claim 12 is amended here to clarify the antecedent basis and to identify the “elements” used rather than the “means.”

Claims 13 and 15 are similarly amended.

The objections to claims 16 and 17 have been addressed by a modification to claim 14 to include the “self-release” feature.

Claim 18 has been amended to address the concerns raised; as has claim 22.

All of the objections have thus been addressed, and the claims are now in allowable form.

CONCLUSION

The objections and rejections of the Office Action of July 13, 2007, have been obviated and/or traversed, and can thus be withdrawn, and this case then allowed. Action to this end is respectfully requested.

Respectfully Submitted,

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By: /peterbscull/
Peter B. Scull; Reg. No. 37,932
(303) 592-8378